

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Case 17-11349-TPA
Todd Lyle Grazier,	:	
Debtor,	:	Chapter 13
	:	
_____	:	Docket No: _____
Todd Lyle Grazier,	:	
Movant,	:	
	:	
vs.	:	
	:	
Calvary SPV I, LLC	:	
Internal Revenue Service,	:	
U.S. Department of HUD,	:	
Roehl Transportation,	:	
Midland Funding, LLC	:	
PNC Bank, N.A.	:	
Directv, LLC	:	
U.S. Department of Education,	:	
	:	
and	:	
	:	
Ronda J. Winnecour, Esquire,	:	
Chapter 13 Trustee.	:	
Respondents.	:	

**ORDER REGARDING MOTION FOR PRIVATE SALE OF REAL PROPERTY/PERSONAL PROPERTY
FREE AND DIVESTED OF LIENS**

1.) **AND NOW**, on this _____ day of _____, 2021 upon consideration of the Movant's Motion for Private Sale of Real Property/Personal Property and Divested of Liens, filed at Document Number 83, **the property located at 22058 Crimson Drive, Meadville, PA 16335 to Alexander L. Urban for One Hundred Thirty-Three Thousand Dollars (\$133,000)** after a Hearing held in the Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA on December 1, 2021, the Court finds:

- 1.) That service of the Notice of Hearing with Response Deadline of said Motion for Private Sale of Real Property Free and Divested of Liens, along with Motion alone, was made on

the above-named Respondents and Motion with all Attachments was affected on the following secured creditors whose liens are recited in said Motion for Private Sale:

<u>DATE OF SERVICE</u>	<u>NAME OF LIENOR</u>
November 5, 2021	Crawford County Tax Claim Bureau 903 Diamond Park Meadville PA 16335
November 5, 2021	Alexander L. Urban– Purchaser 2178 North 57 th Street Canonsburg, PA 15317
November 5, 2021	Todd L. Grazier– Seller 22058 Crimson Drive Meadville PA 16335
November 5, 2021	PNC Bank, N.A. Bankruptcy Department 3232 Newmark Drive Miamisburg, OH 45342
November 5, 2021	US Department of HUD 2401 N.W. 23 rd Street Suite 1A1 Oklahoma City OK 73107

- 2.) That sufficient general notice of said hearing and sale together with the confirmation hearing hereon, was given to the creditors and parties in interest by the Movant as shown by the certificate of service duly filed and that the named parties were duly served with the Motion
- 3.) That said sale hearing was duly advertised on the Court's EASI website pursuant to W.PA LBR 6004-1(c)(2) on **November 5, 2021**.
- 4.) That at the sale hearing no objections to the sale were made which would result in cancellation of said sale.
- 5.) Print advertising appeared in the Meadville Tribune on November 11, 2021 and the Crawford County Legal Journal on November 17, 2021.

6.) That the price of **One Hundred Thirty-Three (\$133,000) to Alexander L. Urban** was a full and fair price for the **real estate**.

7.) That the Purchaser has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d (3d Cir. 1986).

8. NOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that the sale of real property described as Among the assets of the Estate is the real estate located at **the property located at 22058 Crimson Drive, Meadville, PA 16335, Parcel ID 327-190-149**, as found in **Deed Book 1055 Page 1113**, with the following **legal description**:

ALL that certain piece or parcel of land situate in West Mead Township, Crawford County, Pennsylvania, known as Lot No. 149 of the Autumn Hills Subdivision, Annex No. 2, a Plan of which is recorded in Crawford County, Pennsylvania, Plan Book 6, Page 64, more particularly described as follows, to-wit:

ON the North by Lot No. 132 of said Subdivision, a distance of eighty (80.00) feet; on the East by Lot No. 150 of said Subdivision, now or formerly owned by Kevin L. Polley and Patricia A. Polley, his wife, a distance of one hundred ninety (190.00) feet; on the South by Crimson Drive, a distance of eighty (80.00) feet; and on the West by Lot No. 148 of said Subdivision, a distance of one hundred ninety (190.00) feet to the point or place of beginning.

ALSO known as: 22058 Crimson Drive, Meadville, Pennsylvania 16335

IT IS HEREBY CONFIRMED that said property is sold to **Alexander L. Urban**, his heirs, successors or assignees for **the sum of One Hundred Thirty-Three Thousand Dollars (\$133,000)**, the Movant is hereby authorized to make, execute and deliver to the Purchasers the necessary deed and other documents required to transfer the title to the property purchased upon compliance with the terms of sale.

It is **FURTHER ORDERED**, that the above recited liens and claims be satisfied by the proceeds of sale, to the extent they may be determined to be valid liens against the sold property, so that the within decreed sale shall be free, clear and divested of said liens and claims.

It is **FURTHER ORDERED**, that the following expenses/costs shall immediately be paid at the time of closing. Failure of the Closing Agent to timely make and forward all disbursements required by this Order will subject the agent to monetary sanctions, including among other things, a fine of the imposition of damages, after notice and hearing, for failure to comply with the above terms of this

Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant to be turned over to the Chapter 13 Trustee.

a. Crawford County Tax Claim Bureau

All appropriate real estate taxes owed to clear title on the property for closing.

b. Attorney Fees in the amount of **\$750.00** paid to **Daniel P. Foster, Esquire.**

c. Print Cost reimbursement of **\$399.00** paid to **Daniel P. Foster, Esquire.**

d. Real Estate Commission of Six Percent (6%), **\$7980.00**, shall be paid to **Brian Kurtich of 1st Rate Realty.**

e. PNC Bank – The closing agent shall satisfy the first mortgage with PNC Bank in the amount of **\$62,653.86** (good through January 1, 2022).

f. U.S. Department of HUD – The closing satisfy the second mortgage with the U.S. Department of HUD in the amount of **\$26,497.49** pursuant to claim 3-1.

g. Todd Grazier – The Debtor is this case, Todd Grazier, shall be paid his exemption of **\$23675.00** at closing.

h. After distribution to satisfy closing requirements (including municipal liens, real estate taxes, legal fees, seller assist and all customary closing fees) the Trustee shall receive the remainder of sale proceeds for the **benefit of unsecured creditors. Payment shall be made to: **Ronda J. Winnecour, Trustee**, U.S. Steel Tower, 600 Grant Street, Suite 3250, Pittsburgh, PA 15219.**

It is FURTHER ORDERED that:

- 1.)** Within seven (5) days of the date of this Order, the Movant shall serve a copy of the within Order on each Respondent and its attorney of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the Purchasers, and the attorney for the Purchasers, if any, and file a Certificate of Service;
- 2.)** Closing shall occur within thirty (30) days of this Order;

- 3.) Within five (5) days following closing, the Movant shall file a Report of Sale which shall include a copy of the HUD-1 or other Settlement Statement; and
- 4.) This Sale Confirmation Order survives any dismissal or conversion of the within Case.

Thomas P. Agresti, *Judge*
United States Bankruptcy Court